

**REMARKS**

Claims 20-37 are in the application.

As a result of the foregoing amendment, claim 20 has been amended to include the feature according to which the locking element, when in the locking position, is located between the thrust element and the guide rail. The claim has otherwise not been amended substantively.

With respect to the rejection of the claims under 35 U.S.C. 112, second paragraph, the Examiner will note that the claims have been amended to remove the indefinite expressions pointed out by the Examiner. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. 102(b) as being anticipated by US Patent 3,188,698, are also respectfully requested.

Applicants respectfully submit that claim 20 as amended is novel over the prior art of record because none of the prior art documents discloses a locking device having a locking element

which, when in the locking position, is located between a thrust element and a guide rail. Further, none of the cited prior art documents discloses a locking device having a locking element which is tiltable around a tilt axis which is more or less parallel to a pivot axis around which a lever of the locking device is pivotable.

Moreover, claim 20 is also not rendered obvious by the cited prior art documents for the following reasons.

US Patent No. 3,188,698 discloses a safety device for a door comprising a pawl 34 which comes into engagement with an internal boundary surface of the guide rail 13 in case of an intentional downward movement of the door leaf, i.e., in case of breakage of suspending cables or other accidents. In the known construction, the hub 26 or a crank assembly 25 is applied over a non-circular portion 28 of the shaft 21, where a roller 12 is applied thereover, followed by the application of the pawl 34 such that an axially spaced relationship between the pawl 34 and the roller 12 is obtained. In case of need, the pawl 34 is slit against the contact surface of the guide rail where, however, it is never positioned between a thrust element and the guide rail.

This type of arrangement corresponds to the arrangement described in DE 38 00 404 A1 and is discussed in the paragraph bridging pages 4 and 5 of the application documents as filed.


As discussed in the instant specification of this application, this type of device is incapable of providing reliable a operation in case of emergency. As also discussed in the introductory portion of this application, this problem may be solved by using a locking element which, when in the locking position, is located between the thrust element and the guide rail, so that unavoidable play in the guide rail is prevented which otherwise might provoke that the locking element escapes inside the guide rail in a direction perpendicular to the contact surface. Moreover, by mounting the locking element on the lever such that it can tilt around an axis, which is more or less parallel to a pivot axis, around which the lever may be pivoted as specified in independent claim 20, it is ensured that the entire contact surface of the locking element comes into contact with the contact surface of the guide rail in the locking position and to thereby prevent damage to the guide rail. On the other hand, neither the above-identified problems of locking elements which are only pivoted against the contact surface of the guide rail, nor any means of solving these problems are suggested in prior art document US 3,188,698.

For the above reasons it is submitted that claim 20 is patentably distinct over the prior art of record.

Therefore, in view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Any additional fees or charges required at this time in connection with the application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 3, 2008.

By:   
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Date: June 3, 2008